IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.751 OF 1998

M/s.Virendra & Company .. Applicant.
V/s.
The Commissioner of Income-tax,
Mumbai City-II, Mumbai .. Respondent.

Mr.A.R. Singh for the applicant.
Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :-

> Whether on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the assessee was not engaged in manufacturing or production of an article or thing and hence was not entitled for deductions under sections 80HHA and 80-I of the Act ?

2. Both the learned counsel for the parties fairly submits that the above question has already been answered by the Division Bench of this Court in the case of Ship Scrap Traders V/s. CIT [(2001) 251 ITR 806 (Bom)] in favour of the assessee and against the revenue. In this view of the matter, question stands answered in affirmative for the reasons stated in the case cited supra. Reference, accordingly stands disposed of with no order as to costs.

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